

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Frederick C. Morris, Sr.,

Civil No. 08-5023 (PAM/FLN)

Plaintiff,

v.

ORDER

Joan Fabian,
Commissioner of Corrections,

Defendant.

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Franklin L. Noel dated September 24, 2008. In the R&R, Magistrate Judge Noel recommended that the Court deny Plaintiff’s application for leave to proceed in forma pauperis and dismiss this matter without prejudice under Fed. R. Civ. P. 41(b). Plaintiff has failed to file objections to the R&R in the time period permitted. The Court therefore **ADOPTS** the R&R (Docket No. 4).

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff’s Application for Leave to Proceed in forma pauperis (Docket No. 2) is **DENIED**; and
2. This matter is **DISMISSED without prejudice** under Fed. R. Civ. P. 41(b).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: Wednesday, November 26, 2008

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge